

Superseded 5/12/2015

49-11-612 Domestic relations order benefits -- Nonassignability of benefits or payments -- Exemption from legal process.

- (1) As used in this section, "domestic relations order benefits" means:
 - (a) an allowance;
 - (b) a defined contribution account established under:
 - (i) Part 8, Defined Contribution Plans;
 - (ii) Chapter 22, New Public Employees' Tier II Contributory Retirement Act; or
 - (iii) Chapter 23, New Public Safety and Firefighter Tier II Contributory Retirement Act;
 - (c) a continuing monthly death benefit established under:
 - (i) Chapter 14, Part 5, Death Benefit;
 - (ii) Chapter 15, Part 5, Death Benefit;
 - (iii) Chapter 16, Part 5, Death Benefit;
 - (iv) Chapter 17, Part 5, Death Benefit;
 - (v) Chapter 18, Part 5, Death Benefit; or
 - (vi) Chapter 19, Part 5, Death Benefit;
 - (d) a lump sum death benefit provided under:
 - (i) Chapter 12, Part 5, Death Benefit;
 - (ii) Chapter 13, Part 5, Death Benefit;
 - (iii) Chapter 22, Part 5, Death Benefit; or
 - (iv) Chapter 23, Part 5, Death Benefit; or
 - (e) a refund of member contributions upon termination.
- (2) Except as provided in Subsections (3), (4), and (5), the right of any member, retiree, participant, covered individual, or beneficiary to any retirement benefit, retirement payment, or any other retirement right accrued or accruing under this title and the assets of the funds created by this title are not subject to alienation or assignment by the member, retiree, participant, or their beneficiaries and are not subject to attachment, execution, garnishment, or any other legal or equitable process.
- (3) The office may, upon the request of the retiree, deduct from the retiree's allowance insurance premiums or other dues payable on behalf of the retiree, but only to those entities that have received the deductions prior to February 1, 2002.
- (4)
 - (a) The office shall provide for the division of domestic relations order benefits with former spouses and family members under an order of a court of competent jurisdiction with respect to domestic relations matters on file with the office.
 - (b) The court order shall specify the manner in which the domestic relations order benefits shall be partitioned, whether as a fixed amount or as a percentage of the benefit.
 - (c) Domestic relations order benefits split under a domestic relations order are subject to the following:
 - (i) the amount to be paid or the period for which payments shall be made under the original domestic relations order may not be altered if the alteration affects the actuarial calculation of the allowance;
 - (ii) payments to an alternate payee shall begin at the time the member or beneficiary begins receiving payments; and
 - (iii) the alternate payee shall receive payments in the same form as allowances received by the member or beneficiary.
 - (d) To be valid, a court order under this section must be received by the office within 12 months of the death of the member.

- (5) In accordance with federal law, the board may deduct the required amount from any benefit, payment, or other right accrued or accruing to any member or beneficiary of a system, plan, or program under this title to offset any amount that member or beneficiary owes to a system, plan, or program administered by the board.
- (6) The board shall make rules to implement this section.